

# STATE OF WISCONSIN

# Senate Journal

## Ninety–Seventh Regular Session

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WEDNESDAY, July 27, 2005

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The Chief Clerk makes the following entries under the above date.

### CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated Monday, July 25, 2005

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

#### Assembly Bill 270

Relating to: donation of newborn umbilical cord blood.

Concurrence.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

#### Assembly Bill 296

Relating to: modifying certain restrictions on admissions to, protective placements in, or transfers to intermediate care facilities for the mentally retarded and nursing homes.

Concurrence.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

#### Assembly Bill 309

Relating to: instruction in marriage and parental responsibility.

Concurrence.

Ayes, 3 – Senators Roessler, Darling and Brown.

Noes, 2 – Senators Erpenbach and Carpenter.

#### Assembly Bill 501

Relating to: correction of information on a marriage certificate.

Concurrence.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

BERRY, RYAN, of Madison, as a member of the Athletic Trainers Affiliated Credentialing Board, to serve for the term ending July 1, 2009.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

LEPAK, KATIE, of Milwaukee, as a member of the Hearing and Speech Examining Board, to serve for the term ending July 1, 2007.

Confirmation.

Ayes, 5 – Senators Roessler, Darling, Brown, Erpenbach and Carpenter.

Noes, 0 – None.

CAROL ROESSLER  
Chairperson

The committee on **Health, Children, Families, Aging and Long Term Care** reports and recommends:

#### Senate Clearinghouse Rule 05–028

Relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 2005.

No action taken.

CAROL ROESSLER  
Chairperson

### INTRODUCTION, FIRST READING AND REFERENCE OF PROPOSALS

Read first time and referred:

#### Senate Bill 266

Relating to: the prohibition against underage persons entering or being on any premises operating under an alcohol beverage license.

By Senators S. Fitzgerald, A. Lasee, Plale, Grothman and Breske; cosponsored by Representatives Kleefisch, J. Fitzgerald, Shilling, Musser, Gronemus, Albers and Vos.

To committee on **Job Creation, Economic Development and Consumer Affairs**.

#### Senate Bill 267

Relating to: payment of annuities under the Wisconsin Retirement System.

By Senators Brown, Grothman, Wirch, Roessler, Erpenbach, Hansen, Breske and Miller; cosponsored by Representatives Vrakas, Petrowski, Krawczyk, Mursau, Hines, Van Roy, Musser, Gunderson, Lothian, Berceau, Ott, Molepske, Pettis, Suder, Pocan, Lehman and Turner.

To joint survey committee on **Retirement Systems**.

#### Senate Bill 268

Relating to: regulation of rental–purchase agreements and granting rule–making authority.

By Senators Brown, Plale, Schultz, Kapanke, Risser, Darling, S. Fitzgerald, Kanavas, Zien, Breske and Olsen; cosponsored by Representatives Stone, Huebsch, Gronemus, J. Fitzgerald, Hahn, Townsend, Honadel, Pettis, Vrakas, Kleefisch, Kreibich, Gunderson, Vos, Albers, Krawczyk, Ott, Jeskewitz, Ainsworth, Loeffelholz, Montgomery, Davis and Freese.

To committee on **Housing and Financial Institutions**.

#### Senate Bill 269

Relating to: various modifications to housing loan programs and loan guarantee programs, increasing the bonding

authority of the Wisconsin Housing and Economic Development Authority (WHEDA), and removing limitations on WHEDA's authority to acquire property.

By Senators Kanavas, Taylor, Brown, Olsen and Roessler; cosponsored by Representatives Wieckert, Young, Fields, Grigsby, Townsend, Strachota, Turner, Sinicki, Sheridan, Ballweg, Ott, Berceau, McCormick and Hines.

To committee on **Housing and Financial Institutions**.

### **Senate Bill 270**

Relating to: the maximum speed limit on freeways and expressways.

By Senators Reynolds, Zien and Plale.

To committee on **Natural Resources and Transportation**.

### **Senate Bill 271**

Relating to: requiring an individual who is suspected of child abuse or neglect to be advised of the specific allegations that have been made against him or her and requiring training for persons who investigate or treat child abuse and neglect to include training in the constitutional and other legal rights of a child who is being observed or interviewed in connection with the investigation and the child's family.

By Senators Reynolds and Grothman; cosponsored by Representative Krawczyk.

To committee on **Judiciary, Corrections and Privacy**.

## **PETITIONS AND COMMUNICATIONS**

July 20, 2005

The Honorable, The Senate:

Pursuant to Senate Rule 46(2)(c), I am writing to direct that **Senate Bills 1, 23, 136, and 221** be withdrawn from the committee on **Senate Organization** and rereferred to the joint committee on **Finance**. I have obtained the consent of the appropriate chairperson.

Sincerely,

ALAN LASEE

Senate President

**State of Wisconsin  
Ethics Board**

July 12, 2005

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2005 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Ashenhurst, Karla	Ministry Health Care
Blavat, Kate	Northwestern Mutual
Campana, Joseph	Joe Campana (DBA – The LegalEase Group)
Foti, Steven	Miller Brewing Company
Kuehn, Ronald W	Medtronic, Inc.
Lamb, Jordan	Medtronic, Inc.
Leonhart, James	Medtronic, Inc.
O'Connor, Alice	Anheuser-Busch Companies Inc
O'Connor, Alice	Northern Natural Gas Company
O'Connor, Alice	Wisconsin Counties Utility Tax Association
Osborne, Patrick	American College of Nurse-Midwives (WI Chapter)
Rich, Elizabeth	E4, Inc

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

R. ROTH JUDD

Executive Director

**State of Wisconsin  
Legislative Audit Bureau**

July 20, 2005

The Honorable, The Legislature:

We have completed our financial management review of selected Wisconsin Works (W-2) agencies, including a review of administrative salaries, as part of our comprehensive audit of the W-2 program requested by the Joint Legislative Audit Committee.

Our April 2005 evaluation (report 05-6) and various other reports on W-2 agencies' operations have included information on staffing expenditures. However, in response to ongoing questions about the salaries and bonuses paid to agency officials, we reviewed salary information in detail in a sample of agencies. We found that private agencies in Milwaukee County which in 2004 included Maximus, Inc., Opportunities Industrialization Center of Greater Milwaukee, Inc. (OIC-GM), and United Migrant Opportunity Services, Inc. (UMOS)—tended to pay their officials more than agencies elsewhere did. Among those who were paid more than \$60,000 annually, the average salary was \$89,346 in Milwaukee County compared to \$75,540 elsewhere in the state.

We also reviewed \$7.4 million in expenditures by 17 W-2 agencies and identified \$19,600 in questioned costs related to two agencies: YW Works and UMOS. These costs include \$17,103 in purchases for which the receipts and other documentation were missing. We identified additional unallowable and questioned costs for OIC-GM, a former provider of W-2 services, in a report released in November 2004.

We appreciate the courtesy and cooperation extended to us by the W-2 agencies and the Department of Workforce Development during the course of our review.

Sincerely,

JANICE MUELLER

State Auditor

**State of Wisconsin  
Department of Health and Family Services**

July 20, 2005

The Honorable, The Legislature:

I am submitting, as required by s. 253.115 of the Wisconsin Statutes, the Department's annual report on the status of the Universal Newborn Hearing Screening (UNHS) in Wisconsin. I am pleased to note that in 2004 Wisconsin hospitals have exceeded the legislative directive that at least 88% of all deliveries be performed in hospitals with a UNHS program. In 2004, 99.9% of all Wisconsin babies were born in hospitals with a universal newborn hearing screening program. Including children born at home, 96.3% of all Wisconsin newborns were screened for hearing disorders in 2004.

The identification of hearing loss, however, is only the first step in providing appropriate intervention for affected children. The Department has made significant progress in assisting families of children who are deaf or hard of hearing. The Department created an early hearing detection and intervention program known as Wisconsin Sound Beginnings (WSB) which has been instrumental in addressing congenital hearing loss. WSB established an educational program for parents and early hearing detection professionals, worked with audiologists to

ensure that they have access to the training and skills required to work with infants, and provided technical assistance to county Birth to Three programs to enable the programs to work with identified infants and their families.

WSB has also developed and implemented a system of parent-to-parent support called the Guide-by-Your-Side program for families of children who are deaf or hard of hearing which has received national attention. As another measure the Department is developing a data collection and tracking system called WE-TRAC which will ensure that families have timely access and follow-up to appropriate services.

Hearing loss is the most common congenital birth defect affecting Wisconsin infants. If hearing loss is left undetected, it will impede speech, language, cognitive, and social development. Working in collaboration with other public and private agencies, the Department has developed and exemplary program of early hearing detection and intervention.

All of these efforts support Governor Doyle's goals, as articulated in his KidsFirst Agenda, of improving the health of all children in Wisconsin. The Department looks forward to continuing to provide a sound beginning for Wisconsin Babies.

Sincerely,

HELENE NELSON  
Secretary

**THE STATE OF WISCONSIN  
OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER #111**

***Relating to a Proclamation Declaring a State of Emergency  
Relating to Drought Conditions***

**WHEREAS**, areas throughout the State of Wisconsin have experienced extreme drought conditions due to the lack of precipitation during the last several weeks; and

**WHEREAS**, the drought conditions are causing extreme damage to agricultural crops; and

**WHEREAS**, continual lack of water for the crops will result in greater damage to the crops; and

**WHEREAS**, continued and projected crop damage will result in severe economic losses to agriculture; and

**WHEREAS**, water can generally be diverted from certain streams and lakes in the State of Wisconsin without causing serious environmental damage; and

**WHEREAS**, Wis. Stat. 30.18, presently requires that certain lake and stream diversions for agricultural purposes must be accomplished pursuant to a permit issued by the Department of Natural Resources; and

**WHEREAS**, Wis. Stat. 30.18, requires notice and hearing provisions that are too lengthy to be responsive to the existing drought conditions; and

**WHEREAS**, the waiver of the notice and hearing provisions of Wis. Stat. 30.18, in the manner set forth in this Executive Order, will enable the State of Wisconsin to be more responsive to the current agricultural crisis and still protect the valuable water resources of the State;

**NOW, THEREFORE, I, JIM DOYLE**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wis. Stat. 166.03(1)(b)1, do hereby declare the present drought condition to be a natural disaster and proclaim the State of Wisconsin to be in a state of emergency for 30 days, unless extended by joint resolution of the Legislature;

**PURSUANT TO** said state of emergency, by virtue of the authority vested in me by the Constitution and Laws of Wisconsin, and Wis. Stat. 166.03(1)(b)1, I hereby order:

1. That the statutory notice and hearing provisions of Wis. Stat. 30.18, relating to the diversion of water from certain lakes and streams for purposes of crop irrigation be suspended for diversions in the State of Wisconsin; and

2. That water may be diverted from certain lakes and streams for purposes of crop irrigation on a case-by-case basis only where all of the following procedures have been followed:
  - a) The person proposing to divert water has requested permission from the appropriate Department of Natural Resources service center office; and
  - b) The proposed site of diversion has been field inspected where determined to be necessary by Department of Natural Resources personnel. The Department is directed to conduct the field inspection within 72 hours of the request for permission to divert; and
  - c) The on-site inspector will grant immediate written authority if the proposed diversion will not cause unduly adverse environmental effects. The on-site inspector may authorize the proposed diversion subject to whatever conditions he or she deems necessary to ensure that there will not be unduly adverse environmental effects as a result of that diversion and other diversions on the stream. Such conditions may include but are not limited to: exact location of the diversion, rate of diversion, hours of diversion, and the frequency of diversion within the specified time period; and
3. That the Department of Natural Resources will maintain active enforcement surveillance on all diversions authorized under the procedures established pursuant to this Order to ensure that only duly authorized stream or lake diversions occur; and
4. That the emergency authorization granted herein shall be applicable only to agricultural irrigation that requires emergency assistance; and
5. That any permits authorized pursuant to this Order shall not be valid for longer than 30 days after the date of this Order, unless the state of emergency is extended by joint resolution of the Legislature; and
6. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing 30.18 permits, any permits issued pursuant to this Order, any conditions of any such permits, or any diversions which occur without authorization pursuant to Wis. Stat. 30.18, or this Order; and
7. That the Department of Natural Resources is authorized to rescind any emergency diversion permits granted herein if it becomes apparent that unduly adverse environmental effects are being caused or aggravated by said permits, any permit rescission shall be in writing to the permittee.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fifteenth day of July, 2005.

JIM DOYLE  
Governor

**BY THE GOVERNOR:**  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<b><u>Bill Number</u></b>	<b><u>Act Number</u></b>	<b><u>Publication Date</u></b>
<b>Senate Bill 225</b>	<b>Act 23</b>	August 4, 2005

Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State